

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, *et al.*

Plaintiffs,

vs.

TYSON FOODS, INC., *et al.*

Defendants.

Case No. 05CV0329JOE-SAJ

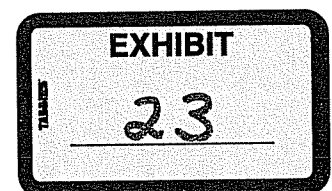
**GEORGE'S, INC. AND GEORGE'S FARMS, INC.'S SUPPLEMENTAL
RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Come now the Defendants George's Inc. and George's Farms, Inc., and for their Supplemental Response to Plaintiff's First Set of Interrogatories in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure states as follows, to-wit:

PRELIMINARY STATEMENTS

1. The responses set forth herein are given without prejudice to the separate defendant's right to add, modify, or otherwise change or amend the responses made herein. The information contained in these responses is also subject to correction for omissions and errors.

2. The separate defendant's responses are made without in any manner waiving:



a. All rights to object to the Interrogatories, the responses, or subject matter thereof, as to the competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in any proceeding in, or at the trial of, this or any other action;

b. The right to object on any ground to the use of these responses, or the subject matter thereof, in any proceeding in, or at the trial of, this or any other action;

c. The right to object on any ground at any time to Interrogatories or other discovery procedures involving or related to the subject matter of the Interrogatories.

3. By responding below, the separate defendant does not imply that it has any documents responsive to any specific request or that any request correctly characterizes or describes any document or documents, or the contents thereof, which may be produced.

GENERAL OBJECTIONS

1. The separate defendant objects to the Interrogatories to the extent that the time period identified (*i.e.*, 1952 to present) is overly broad and unduly burdensome. Such requests seek information far beyond that which is admissible pursuant to the statute of limitations applicable to Plaintiffs' various claims. Accordingly, such Interrogatories are not reasonably calculated to lead to the discovery of admissible evidence.

2. The separate defendant objects to and does not agree to, nor subject itself to, the arbitrary and extraordinary "definitions" ascribed by the plaintiffs to certain terms as set in their First Set of Interrogatories propounded to the separate defendant. To the extent that such terms appear in the plaintiffs' Interrogatories and are in excess of the requirements of the Federal Rules of Civil Procedure, the separate defendant instead will

ascribe the ordinary, every day and reasonably, commonly understood meanings to such terms, and also will comply with the Federal Rules of Civil Procedure.

3. The separate defendant objects to the Interrogatories to the extent that they seek to impose obligations in excess of those required by the Federal Rules of Civil Procedure.

4. The separate defendant also incorporates any additional objections contained in the responses and objections of other defendants to Plaintiffs' Interrogatories.

5. These General Objections are applicable to and incorporated in each of the separate defendant's responses as if specifically set forth therein, and all responses are made subject to and without waiving these objections. Stating specific objections to a particular interrogatory or document request does not in any way waive the General Objections.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

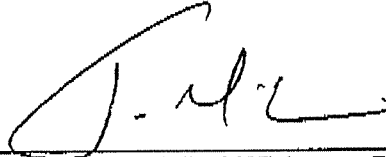
For each of your poultry growing operations in the IRW since 1952, please provide the following information:

- a. name and physical location of the operation;
- b. dates of operation;
- c. type of operation (breeder, broiler, layer, etc.);
- d. number of birds (aggregated annually) at each location; and,
- e. name of the owner and operator.

RESPONSE TO INTERROGATORY NO. 1: Subject to the General Objections, and without waiving them, please see attached charts.

With respect to the chart showing aggregate number of birds, George's asserts that it has prepared this chart pursuant to a Court Order mandating such, by electronically searching printed reports from its Laser Vault system which were previously produced to the State in discovery, and aggregating those results into an Excel spreadsheet. George's has no way to determine an error rate or percentage of accuracy, and such accuracy is limited by the accuracy of the reports from which the data came, the accuracy of the search process and the accuracy of the formulas used in Excel to make the calculations. This process was performed by John Delphon at George's.

Respectfully submitted,

BY: 

James M. Graves (OB # 16657) jgraves@bassettlawfirm.com

Appearing Pro Hac Vice

Woody Bassett (AB # 77006) wbassett@bassettlawfirm.com

Appearing Pro Hac Vice

Paul E. Thompson, Jr. (AB# 02111) pthompson@bassettlawfirm.com

Appearing Pro Hac Vice

BASSETT LAW FIRM LLP

221 North College Avenue

Post Office Box 3618

Fayetteville, AR 72702-3618

(479) 521-9996

(479) 521-9600 Facsimile

-and-

Randall E. Rose (OB #7753) rer@owenslawfirmpe.com

OWENS LAW FIRM, P.C.

234 W. 13th Street

Tulsa, OK 74119

(918) 587-0021

(918) 587-6111 Facsimile

**ATTORNEYS FOR GEORGE'S, INC. and
GEORGE'S FARMS, INC.**

CERTIFICATE OF SERVICE

I certify that on the 13th day of February, 2008, I electronically transmitted the attached document to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Robert D. Singletary, Assistant Attorney General

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us
robert_singletary@oag.state.ok.us

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Robert Allen Nance
Dorothy Sharon Gentry
David P. Page
Riggs Abney Neal Turpen Orbison & Lewis

doug_wilson@riggsabney.com,
driggs@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com
rnance@riggsabney.com
sgentry@riggsabney.com
dpage@riggsabney.com

J. Randall Miller
Louis W. Bullock
Miller Keffer & Bullock

rmiller@mkblaw.net
lbullock@mkblaw.net

Elizabeth C. Ward
Frederick C. Baker
William H. Narwold
Claire Xidis
Motley Rice

lward@motleyrice.com
fbaker@motleyrice.com
bnarwold@motleyrice.com
cxidis@motleyrice.com

COUNSEL FOR PLAINTIFFS

Stephen L. Jantzen
Patrick M. Ryan
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pryan@ryanwhaley.com
pbuchwald@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com

Robert W. George
Michael Bond
Kutak Rock LLP

robert.george@kutakrock.com
michael.bond@kutakrock.com

COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.; AND COBB-VANTRESS, INC.

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.
COUNSEL FOR WILLOW BROOK FOODS, INC.

jgriffin@lathropgage.com

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.
COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

A. Scott McDaniel
Nicole Longwell
Phillip Hixon
COUNSEL FOR PETERSON FARMS, INC.

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com

John R. Elrod
Vicki Bronson
Joshua Wiseley
Conner & Winters, P.C.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwiseley@cwlaw.com

Bruce W. Freeman
D. Richard Funk
Conner & Winters, LLLP
COUNSEL FOR SIMMONS FOODS, INC.

bfreeman@cwlaw.com
rfunk@cwlaw.com

John H. Tucker
Colin H. Tucker
Theresa Noble Hill
Leslie Southerland
Rhodes, Hieronymus, Jones, Tucker & Gable

jtuckercourts@rhodesokla.com
chtucker@rhodesokla.com
thillcourts@rhodesokla.com
lsoutherland@rhodesokla.com

Terry W. West
The West Law Firm

terry@thewestlawfirm.com

Delmar R. Ehrich
Bruce Jones
Krisann Kleibacker Lee
Dara D. Mann
Kristen Carney
Faegre & Benson LLP
COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

dehrich@faegre.com
bjones@faegre.com
kkleee@faegre.com
dmann@faegre.com
kcarney@faegre.com

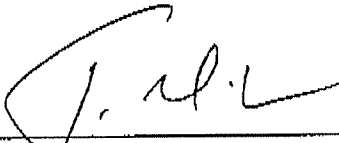
Michael D. Graves
D. Kenyon Williams, Jr.
COUNSEL FOR POULTRY GROWERS

mgraves@hallestill.com
kwilliams@hallestill.com

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
Plaintiffs of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
**COUNSEL FOR TYSON FOODS, INC.,
TYSON POULTRY, INC., TYSON
CHICKEN, INC.; AND COBB-VANTRESS,
INC.**



James M. Graves

**Produced/Created by Order of Court;
Information Provided Is Not Kept In The Ordinary Course of Business.**

Year	Head Started	Head Sold	Lbs Sold
2000 *	10,786,933	10,539,905	49,823,807
2001	19,115,607	18,153,922	89,833,851
2002	19,295,061	18,350,856	86,210,171
2003	20,422,235	19,338,735	91,464,386
2004	22,781,288	21,487,979	101,470,675
2005	25,867,990	24,526,014	111,245,814
2006	26,758,904	25,593,969	117,334,041
2007	26,463,806	25,211,695	115,520,449
* Includes June thru December only			

IRW Breeders -- Created Page Court Order-Not Kept in Ordinary Course of Business.xls

Year	Total Head
2000 *	273,817
2001	857,334
2002	787,145
2003	890,736
2004	754,676
2005	656,378
2006	720,487
2007	639,942

* Includes June thru December only